

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

VIRGIL SMITH,

Plaintiff,

v.

NCA FINANCIAL SERVICES, INC.,

Defendant.

Case No.: 1:07-cv-6767

Judge: Aspen

**PLAINTIFF'S MOTION TO CONTINUE  
THE STATUS HEARING**

Now comes Plaintiff, by and through counsel, and respectfully requests that this Court continue the status hearing presently set for January 24, 2008 at 10:30 a.m. Such a continuance is merited since Defendant has not entered an appearance in the above-captioned matter.

Plaintiff filed her Complaint on November 30, 2007 alleging violations of the Fair Debt Collection Practices Act. (Docket # 1). On December 3, 2007, Plaintiff mailed a copy of the Complaint and Notice of Lawsuit, along with a Request for Waiver of Service, to Defendant. On December 4, 2007, this Court set a status hearing in the above-captioned matter for January 24, 2007. (Docket # 5). To date, however, Defendant has not Waived Service and, on January 3, 2007, Plaintiff requested the Clerk to issue Summons. When Summons is returned from the Clerk, Plaintiff will proceed to obtain service on the Defendant via a Private Process Server. Given that Defendant has not appeared in this case, a short continuance of the Status Hearing presently set for January 24, 2008 is warranted.

Therefore, for the foregoing reasons, Plaintiff's counsel respectfully requests that the status hearing presently set for January 24, 2008 at 10:30 a.m. be continued until February 28,

2008 at 10:30 a.m. to allow Defendant to file its Answer and for the parties to abide by Federal Rule of Civil Procedure 26.

RESPECTFULLY SUBMITTED,

Legal Helpers, P.C.

By: /s/ Jeffrey S. Hyslip

Jeffrey S. Hyslip  
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**CERTIFICATE OF SERVICE**

I hereby certify that on January 4, 2007 a copy of the foregoing Motion was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system. The following parties were served via Regular U.S. Mail;

NCA Financial Services, Inc.  
c/o J. Pugh, Registered Agent  
1731 Howe Ave, #361  
Sacramento, CA 95825

*/s/ Jeffrey S. Hyslip*